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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,426	08/20/2003	Ernest Oxenknecht	60680-1638	7013
10291	7590	05/12/2004	EXAMINER	
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			SICONOLFI, ROBERT	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

10/644,426

Applicant(s)

OXENKNECHT ET AL.

Examiner

Robert A. Siconolfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040112, 20040820</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

1. Information Disclosure Statement filed on 8/20/03 has been received. Information Disclosure Statement filed on 1/12/04 has been received.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-5, 11,17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-5,11,17 all disclose " said second tubular member". There is lack of antecedent basis for this term. It appears that the dependencies are improper (all claims depend from the respective independent claim).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 9-12, and are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al (U. S. Patent no. 4,921,203).

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See figure 1 upper base 14 with second tubular member 40, dimple 42, lip 36, lower base 22 with first tubular member 24, first isolation layer 16, second isolation layer 18, isolator 60

6. Claims 1,2 ,7, 9, 14,15,18 rejected under 35 U.S.C. 102(b) as being anticipated by Stephenson et al (U. S. Patent no. 2,514,811).

See figure 3 upper base attached to nut 31, lower base 19 with first tubular member unnumbered around screws, first isolation layer 16, second isolation layer 17, isolator attached to first layer 16, annular gap receives tubular portion of mounting surface 14

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Stephenson et al.

Peterson et al is relied upon as above. Peterson et al does not disclose having an annular gap that receives a tubular portion of mounting surface. Peterson discloses a gap to receive the mounting surface (figure 1 surface S). Stephenson et al teaches an annular gap that receives a tubular portion of mounting surface (figure 3 mounting surface 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an annular gap that receives a tubular portion of mounting

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surface as taught by Stephenson et al in the device of Peterson in order to more securely hold the mounting surface than the gap disclosed in Peterson.

9. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Schmidt (U. S. Patent no. 3,390,709).

Peterson et al is relied upon as above in paragraph 6. Peterson et al does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Peterson as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson, as modified, in view of Schmidt (U. S. Patent no. 3,390,709).

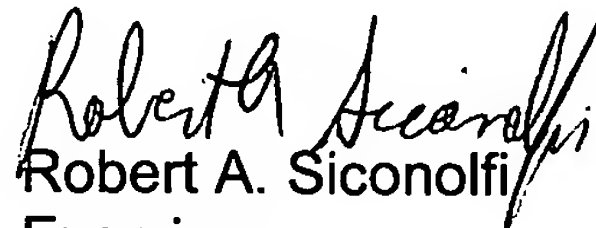
Peterson, as modified, is relied upon as above in paragraph 8. Peterson, as modified, does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Peterson as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 703-305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert A. Siconolfi  
Examiner  
Art Unit 3683

RS